

EDWARD H. KUBO, JR. (2499)
United States Attorney
District of Hawaii
LAWRENCE L. TONG (3040)
DERRICK K. WATSON (Cal. Bar No. 154427)
Assistant United States Attorneys
District of Hawaii
RONALD J. TENPAS
Assistant Attorney General
Environment and Natural Resources Division
BRIAN C. TOTH (Va. Bar No. 48843)
Trial Attorney
Natural Resources Section
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 663
Washington, D.C. 20044-0663
Telephone: (202) 305-0639
Facsimile: (202) 305-0267
E-mail: Brian.Toth@usdoj.gov

Attorneys for Defendants U.S. DEPARTMENT OF ENERGY and NATIONAL SCIENCE FOUNDATION

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

LUIS SANCHO, WALTER L. WAGNER,) Civil No. 08-00136-HG-KSC
)
Plaintiffs,) **FEDERAL DEFENDANTS'**
)
) **DECLARATION OF**
v.) **DENNIS KOVAR**
)
UNITED STATES DEPARTMENT OF)
ENERGY, *et al.*,)
)
Defendants.)
_____)

I, Dennis Kovar, declare as follows:

1. My name is Dennis Kovar, and I am the Acting Associate Director of the Office of Science for High Energy Physics, United States Department of Energy (“DOE”). I have been serving in this position since October 15, 2007 on detail from my permanent position of Associate Director of the Office of Science for Nuclear Physics, in which capacity I have served since July 2003. I have been an employee of the DOE since September 1990, serving as the Program Manager for Heavy Ion Nuclear Physics (1990-1998) and Director of the Division of Nuclear Physics (1998-2003) before assuming my current position. Prior to entering DOE service, I was a research scientist for about 20 years.

2. As Acting Associate Director of the Office of Science for High Energy Physics, I am responsible for the planning, execution and management of DOE’s High Energy Physics program, including development and operations of DOE research facilities, and support and nurturing of the research community to utilize these facilities, make important discoveries, and produce new knowledge about the fundamental nature of matter and energy.

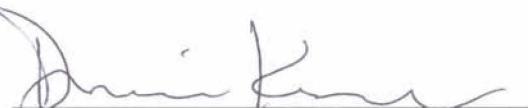
3. An important part of the High Energy Physics program’s portfolio at this time is DOE’s involvement in the Large Hadron Collider (“LHC”) program at the European Organization for Nuclear Research, also known by the acronym “CERN,” which comes from the organization’s former name. DOE’s participation in the LHC

Project, as part of an international consortium, consists of the construction of certain accelerator and detector components and support of U.S. researchers' future participation in the LHC program. In the course of my official responsibilities regarding DOE's participation in the LHC Project, from time to time I communicate with CERN.

4. Attached as "Attachment A" to this declaration is a true and correct copy of a letter that I received from Dr. Maurizio Bona, Head of Safety Commission, CERN, dated April 15, 2008. I received a copy of this letter by electronic mail on April 15, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23 day of June 2008.



DENNIS KOVAR

CERTIFICATE OF SERVICE

I hereby certify that, on June 24, 2008, by the methods of service noted below, a true and correct copy of the foregoing FEDERAL DEFENDANTS' DECLARATION OF DENNIS KOVAR and attachment thereto were served on the following at their last known addresses:

Served by first-class United States mail, postage prepaid:

LUIS SANCHO
P.O. Box 411
Honomu, Hawaii 96728

WALTER L. WAGNER
P.O. Box 881
Pepeekeo, Hawaii 96783

Dated: June 24, 2008

/s/ Brian C. Toth
BRIAN C. TOTH
Trial Attorney
Natural Resources Section
Env't & Natural Resources Div.
United States Department of Justice

Attorneys for Defendants
U.S. Department of Energy,
National Science Foundation, and
Fermilab